

**HNOTICE OF THE  
LEGISLATIVE POLICY COMMITTEE MEETING  
OF THE  
ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL**

**AGENDA**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Arizona Prosecuting Attorneys' Advisory Council and to the general public that the Legislative Policy Committee will hold a meeting open to the public on **Thursday, June 12, 2014, at 1:00 p.m.** in the APAAC office located at 1951 W. Camelback Road, Suite 202, in Phoenix, Arizona. The toll-free call-in number to appear telephonically is **1-877-820-7831** and the Participant Passcode is **487550**. Videoconferencing via SCOPIA is also available.

Pursuant to the Americans with Disabilities Act (ADA), the Arizona Prosecuting Attorneys' Advisory Council endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need an accommodation for a meeting, please contact Elizabeth Iniguez-Reyna at (602) 542-7222 at least 24 hours prior to the meeting so that an accommodation can be arranged.

You may visit the APAAC website at <http://apaac.az.gov> to access this Agenda. Click on the Event Calendar icon on the left and select the meeting date on the Calendar.

Legislative Policy Committee members:

Brad Carlyon, Chair  
David Byers  
Tom Horne  
Barbara LaWall  
Bill Montgomery  
Tobin Sidles  
Jon Smith  
P. Rob Walecki

The Agenda for this meeting is as follows:

- |            |                      |                     |
|------------|----------------------|---------------------|
| <b>I.</b>  | <b>Call to Order</b> | <b>Brad Carlyon</b> |
| <b>II.</b> | <b>Roll Call</b>     | <b>Brad Carlyon</b> |

**III. Items for Consideration**

**Kim MacEachern**  
Possible Action  
**P – F – T**

- A. Process issues: How to introduce efficiencies into the bill consideration process to enable positions to be logged in the house of origin.
- B. CPS/DCS update and ICAC funding (Alicia's law); impact on prosecution resources
- C. Deferred Prosecution/Mental Health Court update
- D. Early proposals for 2015:
  - 1. Charge for LE officer harmed when chasing a suspect (Chief Deputies)
  - 2. Dangerous and Incompetent defendants-need more cost info
  - 3. Public records requests for ongoing file dumps; consistent compensation; bright line exceptions mirroring federal statute
  - 4. Codifying the right to a jury trial for misdemeanors (Peoria-Kemp)
  - 5. Amend 13-3613(m) to include something like habitual user of illegal drugs or habitual substance abuser' along with the language about 'habitual drunkard' to assist in prosecuting and/or define drug endangered child (LaPaz-Hobbs) Colorado example: The bill creates a definition of a "drug-endangered child" in the context of child abuse or neglect. 1 "DRUG-ENDANGERED CHILD" MEANS A CHILD: (a) WHOSE HEALTH OR WELFARE IS ENDANGERED OR THREATENED AS A RESULT OF THE USE, POSSESSION, DISTRIBUTION, OR MANUFACTURE, OR THE ATTEMPTED USE, POSSESSION, DISTRIBUTION, OR MANUFACTURE, OF A CONTROLLED SUBSTANCE, AS THAT TERM IS DEFINED IN THE FEDERAL "CONTROLLED SUBSTANCES ACT", 21 U.S.C. SEC. 801 ET SEQ., IN THE PRESENCE OF A CHILD, ON THE PREMISES WHERE A CHILD IS FOUND, OR WHERE A CHILD RESIDES. THE ACCESSIBILITY TO THE CONTROLLED - 3- SB13-278 SUBSTANCE BY A CHILD MAY ESTABLISH ENDANGERMENT AND ENDANGERMENT MAY ALSO BE ESTABLISHED BY OTHER CIRCUMSTANCES WHEN A CHILD'S HEALTH OR WELFARE IS THREATENED BY THE DRUG ACTIVITY, OR (b) ANY CASE IN WHICH A CHILD TESTS POSITIVE AT BIRTH FOR EITHER A SCHEDULE I CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-203, C.R.S., OR A SCHEDULE II CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-204, C.R.S., UNLESS THE CHILD TESTS POSITIVE FOR A SCHEDULE II CONTROLLED SUBSTANCE AS A RESULT OF THE MOTHER'S LAWFUL INTAKE OF SUCH SUBSTANCE AS PRESCRIBED.

6. DUI and Carboxy THC
7. Harmonizing Miller v. Alabama in the BOEC statutes
8. KraTom (drug stricken from the synthetic list)
9. Change laser pointer class to a felony.
10. Children's action alliance discussing extending juvenile transfer to the age of 19. (Meeting in August).

**IV. Call to the Public****Brad Carlyon**

At this time, any member of the public is allowed to address the Legislative Policy Committee on any issue, whether or not on the Agenda. Pursuant to Arizona Open Meeting Law, at the conclusion of the Call to the Public, individual members of the Legislative Policy Committee may respond to criticism made by those who have addressed the Committee; may ask staff to review the matter; or may ask that the matter be placed on a future agenda. However, members of the Legislative Policy Committee shall not discuss or take legal action on matters raised during an open call to the public unless the matters appear on this Agenda and are otherwise properly noticed for discussion and legal action. On items specified for a vote on this Agenda, members of the public may comment after the Legislative Policy Committee discussion and prior to any vote on the matter.

**V. Next LPC Meeting****Brad Carlyon**  
Possible Action  
**P – F - T**

- A. Discuss scheduling the next LPC meeting

**VI. Adjournment****Brad Carlyon**